

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4452 of 2011

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1. Ms. Juhi Srivastava Daughter of Late Mahangu Lal Srivastava, Minor and Represented through her Natural Guardian Namely Mosmat Anita Srivastava, Wife of Late Mahangu Lal Srivastava Resident of C-54, People's Co-Operative Colony, P.O.- Lohiyanagar, P.S.- Kankarbagh, District- Patna.
 2. Ms. Manisha Srivastava Daughter of Late Mahangu Lal Srivastava, Minor and Represented through her Natural Guardian Namely Mosmat Anita Srivastava, Wife of Late Mahangu Lal Srivastava Resident of C-54, People's Co-Operative Colony, P.O.- Lohiyanagar, P.S.- Kankarbagh, District- Patna.
 3. Ms. Barkha Srivastava Daughter of Late Mahangu Lal Srivastava, Minor and Represented through her Natural Guardian Namely Mosmat Anita Srivastava, Wife of Late Mahangu Lal Srivastava Resident of C-54, People's Co-Operative Colony, P.O.- Lohiyanagar, P.S.- Kankarbagh, District- Patna.
 4. Mr. Aditya Raj Son of Late Mahangu Lal Srivastava, Minor and Represented through his Natural Guardian Namely Mosmat Anita Srivastava, Wife of Late Mahangu Lal Srivastava Resident of C-54, People's Co-Operative Colony, P.O.- Lohiyanagar, P.S.- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State Bank of India through its Chairman Office Situated at Maidam Kama Road, Mumbai (Maharashtra).
2. The Circle Development Officer, State Bank of India, Local Head Office, Moti Mahal Marg, Hazaratganj, Lucknow (Uttar Pradesh).
3. The General Manager, State Bank of India, Local Head Office, Moti Mahal Marg, Hazaratganj, Lucknow (Uttar Pradesh).
4. The Assistant General Manager State Bank of India, Local Head Office, Moti Mahal Marg, Hazaratganj, Lucknow (Uttar Pradesh).
5. The Assistant General Manager (Human Resources Department) Local Head Office, West Gandhi Maidan, Patna.
6. The Chief Manager (PPG) Local Head Office, West Gandhi Maidan, Patna.
7. The Branch Manager, State Bank of India, Kirahia Khojawa, Varanasi (Uttar Pradesh).
8. Most. Kusum Shrivastava Wife of Late Mahangulal Shrivastava Resident of 22/270, K-1 Kirahaiya Khojwa, Varanasi (U.P.).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shubhankar Sharma, Advocate.
For the Respondent No. 8 : Mr. Baidyanath Prasad &
Mr. Ashwini Kumar Rai, Advocates.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5 06-08-2015

Heard learned counsel for the parties.

The petitioners have moved the Court for seeking portion of the family pension claiming to be dependent of the late Mahangu Lal Srivastava, the deceased employee of the respondent Bank.

Counter affidavit has been filed on behalf of the Bank which shows that as per the rules, family pension is payable to the widow/widower failing which to others including the dependent children.

Learned counsel for the petitioners submits that their mother was the second wife of the late employee and because the first wife, who is getting family pension, is not maintaining them, they should also be given portion of the family pension.

From the materials brought on record, this Court is not in a position to pass any positive order with regard to the claim of the petitioners for the reason that facts have to be proved that the petitioners are the biological offsprings of the deceased employee. It has further to be established before the authorities that the petitioners are still eligible for grant of family pension.

In view of the aforesaid, the writ application is being disposed off with a direction to the petitioners to file representation before the respondent no. 3 enclosing all supporting documents in their favour. The respondent no. 3,

after giving opportunity of hearing to the petitioners as well as the first wife of the deceased employee (respondent no. 8) shall pass a reasoned order keeping in mind the fact that the scheme of pension is with the spirit to ensure that the family, which includes the spouse and dependent children, are taken care of. If such a representation is filed within three weeks from today, the authorities shall pass a reasoned order within the next four weeks thereafter.

(Ahsanuddin Amanullah, J.)

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